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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,970	10/24/2003	Steven M. Blumenfeld	06975-342001	6970

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EXAMINER

MURDOUGH, JOSHUA A

ART UNIT	PAPER NUMBER
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3621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,970	Applicant(s) BLUMENFELD ET AL.	
	Examiner JOSHUA MURDOUGH	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The Examiner for this application has changed. Please note that the Examiner of record is Joshua Murdough in any future correspondence.
2. As per Applicants' amendments to the claims received on 19 February 2008, claims 1-16 and 18-32 are pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-16 and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota (6,606,707) in view of Ginter (US 5,892,900).
5. As per claims 1-5, 8, 15, 16, 20, 23 and 32, Hirota teaches:
A method of regulating access to a content selection comprising:
 - i. configuring a media player (Figure 2) to access a medium **109** associated with the content selection
 - ii. accessing the medium associated with a content selection and identifying a profile (e.g. reference or serial number) associated with the medium (figures 5 and 9; column 10, lines 31-42; column 15, lines 3-15).

- iii. configuring the media player to access a permissions engine **302** that interfaces with a multitiered rule base that is configured to store a medium rule base, a media player rule base, and a host rule base, wherein the medium rule base is based on content permissions associated with the medium (column/line 16/63-17/10), the media player rule base is based on content permissions associated with the media player (column 15, lines 10-15 and 55-62), and the host rule base is based on content permissions associated with the host (column 15, lines 15-20)
- iv. checking availability of the host rule base in the multitiered rule base and, if the host rule base is available, accessing the host rule base (column 15, lines 15-20);
- v. checking availability of the media player rule base in the multitiered rule base and, if the media player rule base is available, accessing the media player rule base (column 15, lines 10-15 and 55-62);
- vi. checking availability of the medium rule base in the multitiered rule base and, if the medium rule base is available, accessing, the medium rule base (column/line 16/63-17/10);
- vii. using the profile to analyze a content request with the multi-tiered rule base (transparent to the user) (column 15, lines 10-15 and 55-62-e.g. first tier, column 15, lines 15-20-e.g. second tier; column/line 16/63-17/10-e.g. third tier)
- viii. using the permissions engine in the media player to enable access to the content selection in accordance with the analysis (column 15, lines 25-62; column 17, lines 11-46)

- ix. identifying a user accessing the content (column 8, lines 9-34)
- x. analyzing the request by polling a first rule base first then a second rule base (column 15, lines 10-20 and 55-62; column/line 16/63-17/10)
- xi. determines an access right without challenging a user (column/line 16/63-17/10)

6. Hirota does not expressly teach:

- xii. using the profile to analyze a content request with the multi-tiered rule base is based on the identified priorities of rule bases in multitiered rule base.

7. However, Ginter teaches groups of controls being given priorities (column 30, lines 31-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Hirota to include the priorities as taught by Ginter, in order to comply with laws (Ginter, column 30, lines 27-31).

8. Claims 9-14, 18, 19, 24-31, recite steps that do not necessarily have to be performed. However, it has been held that language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (MPEP 2106 II C).

9. Claims 6-7, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota in view of Ginter as cited above, further in view of another embodiment of Ginter.

10. As per claims 6-7, 21 and 22, Hirota further teaches a user purchasing and downloading content from a remote source (column 8, lines 1-20) and a user requesting the content subsequently stored on a medium (figure 9). The Hirota/Ginter combination above does not

specifically recite reporting the content request to a reporting agent. Ginter teaches reporting to a reporting agent how content is used (column 318, lines 30-58; column 319, lines 5-14) and aggregating multiple requests associated with a media player and reporting the multiple requests to a host (column 318, lines 1-5 and 12-30). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Hirota et al. and Ginter et al. in order to allow the content provider of Hirota et al. ('707, column 8, lines 1-20) to better market their content to users ('900, column 318, lines 7-30).

Response to Arguments

11. Applicants' arguments filed 19 February 2008 have been fully considered but they are not persuasive.

12. Applicants argue:

13. “[T]he system of Hirota would look to either PC or the media player during authentication of the content on the media card, but would not look to the PC and the media player at the same time.” (Remarks Page 11, first paragraph).

14. Examiner's response:

15. The claim language associated with this argument:

“checking availability of the host rule base in the multitiered rule base and, if the host rule base is available, accessing the host rule base;

checking availability of the media player rule base in the multitiered rule base
and, if the media player rule base is available, accessing the media player rule
base;

checking availability of the medium rule base in the multitiered rule base and, if
the medium rule base is available, accessing, the medium rule base;" (Claim 1)

does not specify where the rule bases are being searched for.

16. For example:

The host may have rules in place to prevent copying or editing;

The media player may have a rule that requires the checking for a license before
playing content; and

The medium might have a rule that data must fit in to a whole number of sectors
and thus the content would have to be padded with an appropriate number of bits.

All of these rules from the different bases could be stored in the memory of the media player.

Therefore, contrary to Applicants' statement, only one place could be searched to find rules
associated with the three different rule bases. Thus, a PC and a media player would not have to
be looked to at the same time.

17. Applicants argue:

18. The newly added limitations are not shown by the various references as previously
applied to the claims.

19. Examiner's response:

20. The rejections above have been altered to show the elements added to the claims.

Conclusion

21. Applicants' amendment filed February 19, 2008 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

22. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

24. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3621

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. M.

Examiner, Art Unit 3621

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621